

VZCZCXYZ0020  
OO RUEHWEB

DE RUEHC #0638 1630152  
ZNR UUUUU ZZH  
O 120128Z JUN 09  
FM SECSTATE WASHDC  
TO AMEMBASSY CARACAS IMMEDIATE 0000

UNCLAS STATE 060638

SIPDIS

E.O. 12958: N/A  
TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [VE](#)  
SUBJECT: VENEZUELA -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. STATE 59732  
[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Venezuela of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Venezuela and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than OOB local time Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Venezuela of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Venezuela,s country narrative in the 2009 TIP Report:

-----  
VENEZUELA (TIER 2 WATCH LIST)  
-----

Venezuela is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Venezuelan women and girls are trafficked within the country for commercial sexual exploitation, lured from poor interior regions to urban and tourist areas such as Caracas and Margarita Island. Victims are often recruited through false job offers, and subsequently coerced into prostitution. Some Venezuelan children are forced to work as street beggars or as domestic servants. Venezuelan women and girls are trafficked transnationally for commercial sexual exploitation to Mexico, in addition to Caribbean destinations such as Trinidad and Tobago, the Netherlands Antilles, and the Dominican Republic. A common trafficking route is for victims to transit Curacao en route to The Netherlands and other countries in Western Europe. Men, women, and children from Colombia, Peru, Ecuador, Brazil, the Dominican Republic, and Asian nations such as the People,s Republic of China are trafficked to and through Venezuela, and may be subjected to commercial sexual exploitation and forced labor. A more recent trend appears to be increased human trafficking activity in Venezuela,s Orinoco River Basin area and border regions of Tachira State, where political violence and infiltration by armed rebel groups are common.

The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall significant efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and providing adequate assistance to victims; therefore, Venezuela is placed on Tier 2 Watch List.

Recommendations for Venezuela: Amend existing laws to prohibit and adequately punish all forms of trafficking in persons, particularly the internal trafficking of men and boys; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; investigate reports of trafficking complicity by public officials; provide greater assistance and services to trafficking victims; consider designating a coordinator to lead the government,s anti-trafficking efforts; and improve data collection for trafficking crimes.

Prosecution  
-----

The Government of Venezuela made limited anti-trafficking law enforcement efforts over the last year, though Venezuelan law prohibits most forms of human trafficking. In 2007, the government enacted the Organic Law on the Right of Women to a Violence-Free Life. Article 56 of this recently enacted law prohibits the trafficking of women and girls for the purposes of sexual exploitation, forced labor, slavery, irregular adoption, or organ extraction, prescribing punishments of 15 to 20 years, imprisonment. Articles 46 and 47 prohibit forced prostitution and sexual slavery, and carry penalties of 15 to 20 years, imprisonment. These anti-trafficking

provisions, however, do not address the internal trafficking of adult males or boys. Article 16 of the Organic Law Against Organized Crime, enacted in 2005, prohibits trafficking across international borders for labor or sexual exploitation, and prescribes penalties of 10 to 18 years, imprisonment. The above penalties are sufficiently stringent, and commensurate with those for other serious crimes, such as rape. Prosecutors also can use Venezuela's Child Protection Act and various articles of the penal code to prosecute the internal trafficking of children, though many of these statutes carry extremely low penalties -- typically a maximum of three months in jail or fines. Despite existing legal tools for punishing many forms of human trafficking, the Venezuelan government did not report any convictions or sentences of trafficking offenders in 2008. However, the government opened six investigations of transnational sex trafficking, one investigation of transnational labor trafficking, and one investigation of suspected internal trafficking. International organizations indicated that the government cooperated with INTERPOL on transnational trafficking cases, and increased screening for potential trafficking crimes at airports and borders. There were no confirmed reports of government complicity with human trafficking in 2008, though corruption among public officials, particularly related to the issuance of false identity documents, appeared to be widespread. Moreover, many Venezuelan law enforcement officials reportedly did not distinguish between human trafficking and alien smuggling offenses.

#### Protection

-----  
The government sustained limited efforts to assist trafficking victims during the reporting period. The government did not operate shelters accessible to or dedicated for trafficking victims, relying on NGOs and international organizations to provide the bulk of victim assistance. The government operated a national 24-hour hotline through which it received trafficking complaints, and directed trafficking victims to NGOs for care. Government-provided psychological and medical examinations were available for trafficking victims, but additional victim services such as follow-up medical aid, legal assistance with filing a complaint, job training, and reintegration assistance remained lacking. The government reportedly increased, however, the availability of psychological services for trafficking victims during the past year. Police reported that most trafficking victims were reluctant to testify in court against their traffickers because of long court delays and fear of reprisals. According to NGOs, the government did not have a formal mechanism for identifying trafficking victims among vulnerable populations, such as women in prostitution. There were no reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. The government reportedly had a policy of providing refugee status or other legal protections for foreign victims who faced retribution if returned to their country of origin. The government also assisted with the repatriation of 28 Chinese nationals who had been subjected to labor trafficking last year.

#### Prevention

-----  
The Venezuelan government increased its efforts to prevent human trafficking over the year by providing some funding to NGOs for education activities, conducting widespread public awareness campaigns about the dangers of human trafficking, and continuing anti-trafficking training for government officials. The government advertised its hotline number, aired public service announcements, and widely distributed materials against commercial sexual exploitation, forced labor, and child sex tourism. The government collaborated with NGOs and international organizations on other anti-trafficking efforts, but relations with these organizations were reportedly mixed. Moreover, high turnover of government personnel, particularly lack of an anti-trafficking coordinator, appears to have hampered the government's anti-trafficking progress. While many

government officials acknowledge that human trafficking is a problem in the country, some tended to view the nation as principally a transit point, demonstrating less recognition of internal trafficking concerns, such as children trafficked for commercial sexual exploitation. No specific activities to reduce demand for commercial sex acts or forced labor were reported.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make

significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau,s EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Venezuela given a ranking of Tier 2 Watch List?

A: The Government of Venezuela does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite such efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and providing adequate assistance to victims; therefore, Venezuela is placed on Tier 2 Watch List.

Q2: What is the nature of Venezuela,s trafficking problem?

A: Venezuela is a source, transit, and destination country for men, women, and children trafficked for the purposes of



commercial sexual exploitation and forced labor. Venezuelan women and girls are trafficked within the country for commercial sexual exploitation, lured from poor interior regions to urban and tourist areas such as Caracas and Margarita Island. Victims are often recruited through false job offers, and subsequently coerced into prostitution. Some Venezuelan children are forced to work as street beggars or as domestic servants. Venezuelan women and girls are trafficked transnationally for commercial sexual exploitation to Mexico, in addition to Caribbean destinations such as Trinidad and Tobago, the Netherlands Antilles, and the Dominican Republic. A common trafficking route is for victims to transit Curacao en route to the Netherlands and other countries in Western Europe. Men, women, and children from Colombia, Peru, Ecuador, Brazil, the Dominican Republic, and Asian nations such as the People,s Republic of China are trafficked to and through Venezuela, and may be subjected to commercial sexual exploitation and forced labor. A more recent trend appears to be increased human trafficking activity in Venezuela,s Orinoco River Basin area and border regions of Tachira State, where political violence and infiltration by armed rebel groups are common.

Q3: How can Venezuela improve its anti-trafficking efforts?

A: To advance its efforts to combat human trafficking, the Government of Venezuela could: amend existing laws to prohibit and adequately punish all forms of trafficking in persons, particularly the internal trafficking of men and boys; intensify efforts to investigate and prosecute trafficking offenses, and convict and punish trafficking offenders; investigate reports of trafficking complicity by public officials; provide greater assistance and services to trafficking victims; consider designating a coordinator to lead the government,s anti-trafficking efforts; and improve data collection for trafficking crimes.

¶12. The Department appreciates posts, assistance with the preceding action requests.

CLINTON